

REMARKS

This application has been reviewed in light of the Office Action mailed December 24, 2008. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 11, 13, 14 and 16 are pending in the application with Claims 1, 13 and 16 being in independent form. By the present amendment, Claims 1, 13 and 16 are amended.

Support for the features recited in the amended claims can be found throughout the specification. For example, please refer to table 1 of the specification, which illustrates a hierarchal structure of command character trains as recited in amended Claims 1, 13 and 16. Therefore, no new subject matter is introduced into the disclosure by way of the present amendment.

Initially, Applicant thanks the Examiner for conducting a telephone interview on April 9, 2009 to discuss distinguishing features of the present invention. Specifically, the hierarchal structure of the stored comparison data as being at least a three tiered structure, shown in Table 1 of Applicant's disclosure, was discussed.

In the interview, it was agreed that the three tiered structure depicted in Applicant's Table 1 is not disclosed or suggested by the cited structures of Wang. Therefore, it was suggested that amending the language of the claims to recite a three tier structure in which a device identifier is in a first tier, functional commands for the device are in a second tier branching from the first tier, and operational commands relating to each of the functional commands are in a third tier branching from the second tier of the hierarchal structure of the comparison data would distinguish the claimed invention over the alleged two-tiered structure disclosed in Wang.

I. Rejection of Claims 1 – 3, 5, 6, 8, 9, 11, 13, 14 and 16 Under 35 U.S.C. § 103(a)

Claims 1 – 3, 5, 6, 8, 9, 11, 13, 14 and 16 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,911,916 issued to Wang et al. (“Wang”) in view of U.S. Patent No. 6,278,975 issued to Brant et al. (“Brant”).

The present Office Action cites col. 4, lines 55 – 59 as teaching Applicant’s recited comparison data storing means, which hierarchically prestores comparison data to identify the hierarchy in execution of the instruction.

However, Wang and Brant fail to properly disclose or suggest hierarchically prestoring comparison data or command character trains, as recited in Applicant’s amended Claims 1, 13 and 16. Specifically, Wang teaches storing language models of each device on the VCI of the respective controller to which the device is connected.

In the Examiner’s interpretation of the Wang reference, the language model exhibits a two tier structure when a device is connected to the slave controller. In such a configuration, the device name is stored on the master controller while the language model is stored on the slave controller to which the device is connected. Thus, a hierarchal structure is allegedly disclosed.

However, Wang and Brant, taken alone or in any proper combination, fail to disclose that the command character trains are prestored in the VCI as comparison data with a hierarchal structure having “first command character trains for specifying each of a plurality of devices in a storage area corresponding to a first hierarchal tier in a memory in a system controller for controlling the plurality of devices, second command character trains related to respective functional commands of the plurality of devices in a storage area corresponding to a second hierarchal tier branching from the first hierarchal tier, and third command character trains related to respective operational commands of the functional commands in a storage area corresponding

to a third hierarchal tier branching from the second hierarchal tier” as recited in Claim 1 and similarly in Claims 13 and 16.

Therefore, for at least the reasons provided above, Claims 1 – 3, 5, 6, 8, 9, 11, 13, 14 and 16 are believed to be allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1 – 3, 5, 6, 8, 9, 11, 13, 14 and 16 under 35 U.S.C. § 103(a) over Wang in view of Brant.

II. Rejection of Claims 4, 7 and 10 Under 35 U.S.C. § 103(a)

Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Wang et al. in view of Brant et al. and further in view of U.S. Publication No. 2003/0139789 (hereinafter, “Tvinneriem”); and Claims 7 and 10 are rejected by the Examiner under 35 U.S.C. § 103(a) as allegedly obvious over Wang et al. in view of Brant et al. and further in view of U.S. Patent No. 6,402,714 issued to Kraft-Kivikoski.

Neither Tvinneriem nor Kraft-Kivikoski disclose or suggest voice control of medical operating devices. Therefore, Tvinneriem and Kraft-Kivikoski fail to overcome the previously-identified deficiencies in Wang and Brant as they relate to the hierarchal nature of the stored command character train and comparison data. Consequently, Wang, Brant, Tvinneriem and Kraft-Kivikoski, taken alone or in any proper combination, fail to disclose or suggest Applicant’s independent Claims 1 and 13, from which Claims 4, 7 and 10 depend.

Therefore, for at least the reasons provided above, Claims 4, 7 and 10 are believed to be allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejections with respect to Claims 4, 7 and 10 under 35 U.S.C. § 103(a) over Wang in view of Brant and further in view of Tvinneriem or Kraft-Kivikoski.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 11, 13, 14 and 16 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

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